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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,406	07/13/2001	Christopher J. Feola	45003-00031USPT	3760

7590 03/04/2004

Jenkins & Gilchrist, P.C
3200 Fountain Place
1445 Ross Avenue
Dallas, TX 75202-2799

EXAMINER

ASSOUAD, PATRICK J

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,406

Applicant(s)

FEOLA ET AL

Examiner

Patrick J Assouad

Art Unit

2857

AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5, 542
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to because they contain very small (handwritten) text that is difficult to read. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-42 are rejected under 35 U.S.C. 102(b) as being anticipated by **Nakata et al.**, (International Publication number: WO 98/47145, published 4/28/99).

Note that this publication corresponds to PCT/JP98/01684 and US Patent Application Publication US 2003/0091329 A1.

Art Unit: 2857

4. **Nakata et al.** disclose an editing system and editing method. From their

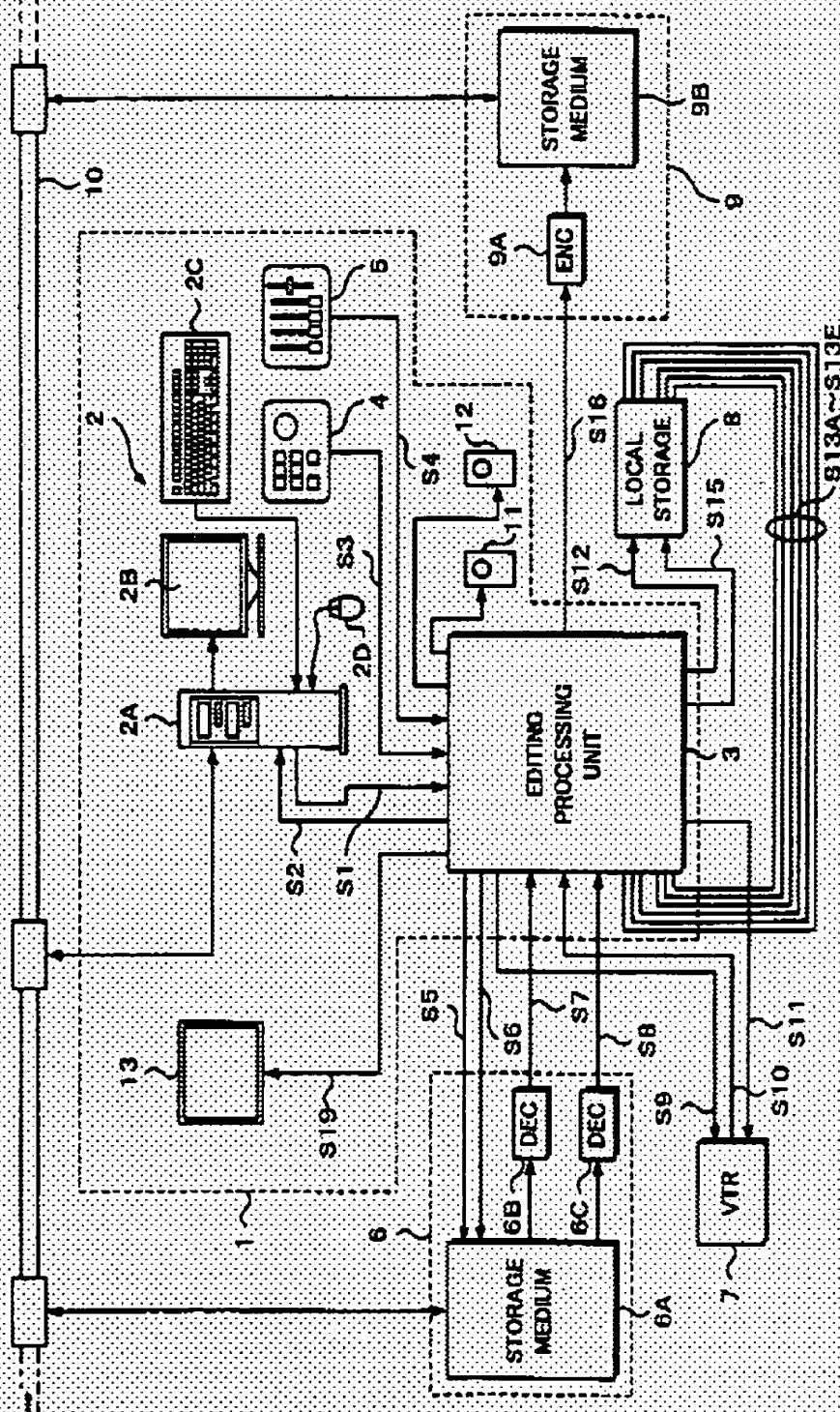
Abstract:

An editing system provided with a device for editing a source material, a data storage device for recording and reproducing the source material, and a computer for controlling the editing device and the data storage device. The editing device is provided with a switcher block for routing source data reproduced from the data storage device, and a video processing block and an audio processing block for processing video signals and audio signals sent from the switcher block, respectively. The computer is programmed by a software program for editing the source material, and has means for controlling the switcher block, the video processing block, the audio processing block and the data storage so as to correspond to an editing program prepared by using the software.

Figs. 1-2 and 19 of **Nakata et al.** are reproduced below.

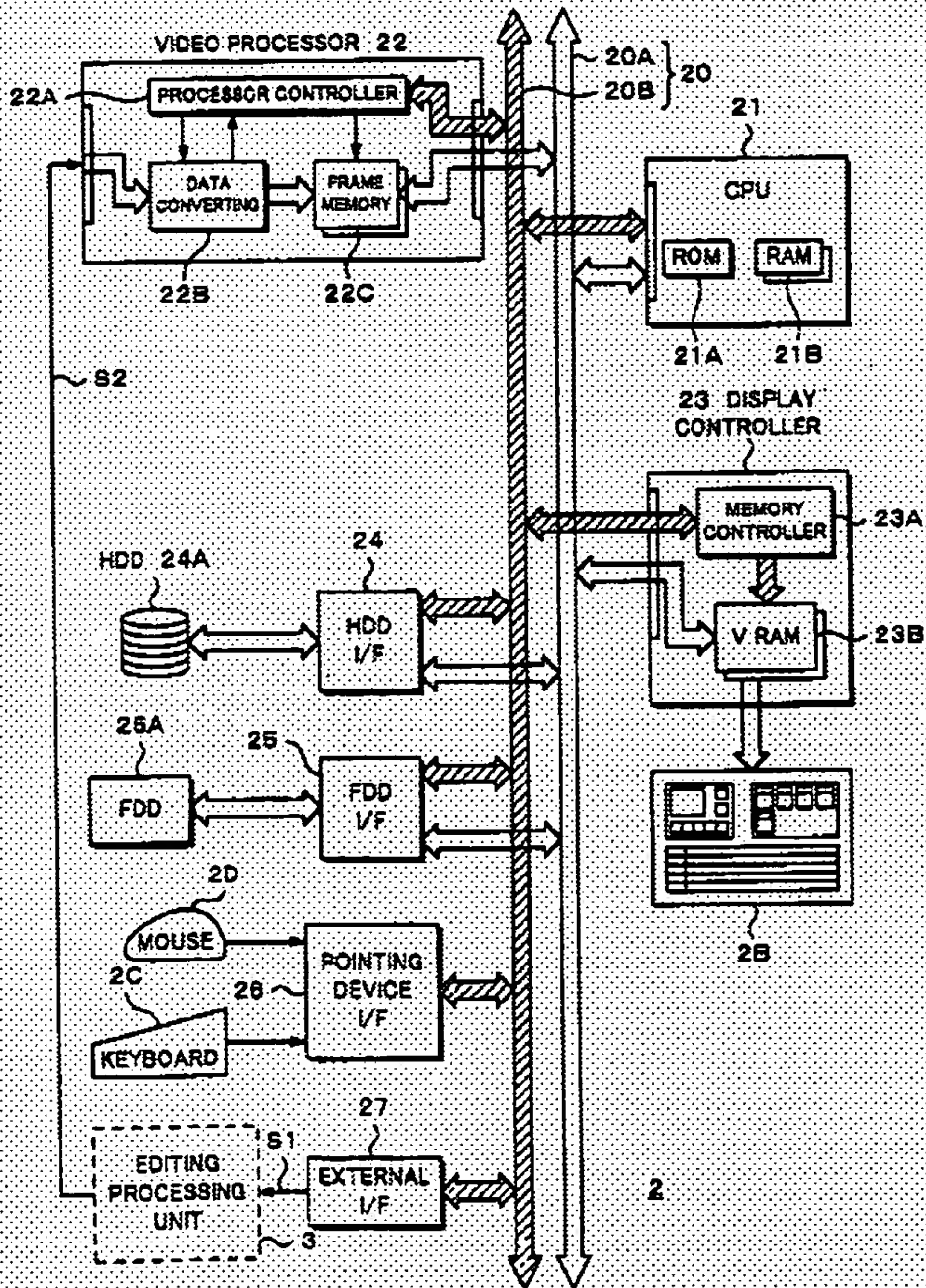
EP 0 811 828 A1

Fig. 1



EP 0 911 829 A1

Fig. 2



EP 0 911 829 A1

Fig. 19

		DATA FORMAT
331 ~	FILE NAME	#AAAA001
332 ~	EVENT NAME (CLIP NAME)	AAAA001
333 ~	IN-POINT TIME CODE	HH:MM:SS:FF
334 ~	IN-POINT CLIP ADDRESS	
335 ~	OUT-POINT TIME CODE	HH:MM:SS:FF
336 ~	OUT-POINT CLIP ADDRESS	
337 ~	DURATION	HH:MM:SS:FF
338 ~	FILE TYPE INFORMATION	Log/EDL/Material/Master
339 ~	FILE POSITION INFORMATION	C/L
340 ~	SOURCE DEVICE ID INFORMATION	S/L/V/A/I
341 ~	PRODUCED DATE AND TIME	
342 ~	VIDEO ADJUSTMENT INFORMATION	
343 ~	AUDIO ADJUSTMENT INFORMATION	
344 ~	TEXT DATA	
345 ~	PROGRAM LIST NAME	

5. The one-to-one correspondence between the instant claimed invention and that of **Nakata et al.** is as follows: the claimed sensory data is the audio and/or video data of **Nakata et al.**; the claimed functional operation performed on the sensory data are the various editing operations performed on the audio/video data sources of **Nakata et al.**; the claimed memory or storage device or storage medium, display, computing device or processor, input device, data port or communication, means for recording, means for converting, and measuring device for measuring input parameters, are all shown in at least Figs. 1-2 of **Nakata et al.**

6. Particular attention should now be drawn to Fig. 19 and its discussion beginning in col. 37 of **Nakata et al.** We clearly see a file format that includes a source file of sensory data (video and/or audio data) that has been "concatenated" with historical data elements corresponding to functional operations (video and/or audio adjustment information) performed on the sensory data (audio and/or video data). With respect to the claimed "binary values" of the historical information, most computer or digital files which contain computer or digital settings are in binary format. With respect to the claimed "end-of-operation identifier", note the various data file formats including: time codes, file source codes, file type codes, file position codes, etc. of Fig. 19 of **Nakata et al.** With respect to the claimed network and server, see at least the LAN and server(s) of Figs. 1-2 of **Nakata et al.**


Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the attached PTO-892. Most notable is **Parulski et al.** ('119) Fig. 4, step 80: "original camera data, CFA pattern, ICC profile, and copy of thumbnail are added as extension data to standard file format", and Fig. 5, element 20, viewing parameters, element 21, property set data, and element 22, extension property set which includes element 100, "advanced edits list."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J Assouad whose telephone number is 571-272-2210. The examiner can normally be reached on Tuesday-Friday, 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrick J Assouad
Primary Examiner
Art Unit 2857

pja